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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/720,973

11/24/2003

Wolfgang Singer

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5197

7590

11/24/2006

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EXAMINER

GUTIERREZ, KEVIN C

ART UNIT

PAPER NUMBER

2851

DATE MAILED: 11/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/720,973	<b>Applicant(s)</b> SINGER ET AL.	
	<b>Examiner</b> Kevin Gutierrez	<b>Art Unit</b> 2851	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 16 October 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 27-32, 34, 35, 37-42 and 47-56 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 27-30, 31-32, 34-35, 37-42, 47-49, 50-56 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 March 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Continued Examination Under 37 CFR 1.114*

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on October 16, 2006 has been entered.

### *Remarks/Response to Arguments*

2. Regarding the arguments on Page 8, the Applicant states the Koch et al. (hereinafter "Koch") and Nojima patents are incompatible with one another based on their differences in optical elements (ie: refractive and reflective) dictating the teachings of being adjusted. The Examiner respectfully disagrees. The Examiner relies on the Nojima patent for the teaching of a moveable carrier for positioning a plate having a plurality of raster elements. Nojima discloses that various types of optical elements can be used other than a fly-eye lens (refractive element; col. 6, lines 45-46), which discloses that the moveable carrier of Nojima is further applicable to reflective elements.

3. In response to applicant's argument that there is no apparent motive to combine the references, the examiner recognizes that obviousness can only be

established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, at least one suggestion/motivation is found in the Koch reference at column 10, lines 25-29, where he states the location of the facets can be manipulated. Further, another motivation can be found in Koch at col. 8, lines 51-54, where the positioning of the facet elements can be modified to achieve a desired irradiance. Nojima teaches a movable carrier to move the position of an optical element. Therefore, the combine teachings of Koch and Nojima disclose the claimed invention. Thus, rendering the instant application as unpatentable.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office Action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 27-28, 31, 34-35, 37-42 and 47-50, 55-56 are rejected under 35 U.S.C. 102(b) as being anticipated by Koch et al. (6,195,201) in view of Nojima (5,978,072).

Regarding claim 27, Koch et al. disclose “a plate (fig. 3A, 41; base;) having a plurality of raster elements (42; facets) situated thereon for directing a light beam having a wavelength  $\leq 193$  nm (col. 1, lines 31-33)”

Koch et al. does not disclose “a movable carrier upon which said plate is arranged, for positioning said plate relative to said light beam.”

However, having “a movable carrier upon which said plate is arranged, for positioning said plate relative to said light beam” is well-known to the art as it is evident by the teaching of Nojima (col. 5, lines 20-28; col. 10, lines 18-20, where an XYZ mechanism is coupled to an optical element and is capable of adjusting optical element in X, Y, or Z positions). Thus, it would have been obvious to one ordinary skilled in the art at the time the invention was made to modify the plate of Koch et al. by including a movable carrier utilized in a manner described above for at least the purpose to adjust focus and/or magnification of an image.

Regarding claim 28, Koch et al. disclose “a reticle plane, wherein said reticle plane is defined by a y-direction and an x-direction (col. 9, lines 38-39, where it is conceivable that a plane can have reference two-dimensional coordinates), but does not disclose “wherein said carrier is moveable in said x-direction.”

However, having “said carrier is moveable in said x-direction” is known to the art as it is evident by the teaching of Nojima (col. 5, lines 20-28). Thus, it would have been obvious to one ordinary skilled in the art at the time the invention was made to modify Koch et al. by including a carrier moveable in a manner described above for at least the purpose to perform an alignment measurement.

Regarding claim 31, Koch et al. further disclose “wherein said light beam impinges onto plurality of raster elements (col. 5, lines 41-44), and said plurality of raster elements partition said light beam into a plurality of light bundles (col. 4, lines 28-30), and wherein said plurality of light bundles substantially overlap one another in

Regarding claim 34, Koch et al. further disclose “wherein at least one of said plurality of a raster elements (42) comprises an actuator for positioning said at least one of said plurality of raster elements relative to said light beam (col. 5, lines 35-38).”

Regarding claim 35, Koch et al. further disclose “wherein said actuator changes an orientation of said raster element relative to said plate (col. 5, lines 35-38 and 57-59).”a reticle plane (col. 10, lines 24-25).”

Regarding claim 37, Koch et al. as modified further disclose the claimed limitations set forth in claims 27 and 31.

Regarding claim 38, Koch et al. further disclose wherein said plurality of light bundles substantially overlap one another in a reticle plane of said illumination system and “define a ring field of illumination in said reticle plane (col. 6, lines 35-37 and 41-42), and wherein at least one of said plurality of raster elements is adjustable to change said ring field of illumination in said reticle plane (col. 6, lines 66-67; col. 7, lines 1-2; col. 8, lines 52-54).”

Regarding claim 39, Koch et al. disclose the claimed limitations and further disclose “when adjusted to change said ring field of illumination in said reticle plane,

also changes an illumination in an exit pupil of said illumination system (col. 10, lines 35-40).”

Regarding claims 40-42, Koch et al further disclose “wherein said at least one of said plurality of raster elements is tiltable”, “displaceable” (col. 6 lines 21-24), and “replaceable (col. 5, lines 23-24, where any dimension of an array is preferred).”

Regarding claims 47 and 49, Koch et al. as modified disclose all of the claimed limitations set forth in claim 27 and Koch et al. further disclose “a projection objective for imaging said object onto a light sensitive substrate (col. 4, lines 52-54 and 65-67).”

Regarding claim 48, Koch et al. further disclose “wherein said object is a pattern bearing mask (col. 2, lines 47-49).”

Regarding claims 50 and 55, Koch et al. as modified disclose the claimed limitations as set forth in claim 27. However, the plate in claim 27 is interpreted as a first plate and the plurality of raster elements as the first plurality of raster elements. Koch et al. further disclose “a second plate (fig. 4A, 50; convex base) having a second plurality of raster elements (52; facets) that receives said light beam from said first plurality of raster elements (see fig. 1, where light rays are directed from mirror array 16 (incorporates first plate) to mirror array 18 (incorporates second plate) wherein said second plate is in a fixed position (col. 4, lines 25-31, where the light is directed to form plurality of source images to corresponding facets. Thus, the second plate is not movable and is fixed).”

Regarding claims 51-54, Koch et al. further disclose wherein said plurality of raster elements is a plurality of reflective raster elements (col. 4, lines 25-26, where the light is reflected off the raster elements. Thus, the raster elements are reflective.”

Regarding claim 56, Koch et al. further disclose “wherein said first plurality of raster elements (42) produces a plurality of images of a source of said light, and wherein said second plurality of raster elements (52) is situated at or near said plurality of images (col. 4, lines 27-31).”

6. Claims 29 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koch et al. in view of Nojima, as applied to claim 27, and in further view of Hatakeyama et al (6,015,976).

Regarding claim 29, Koch et al. as modified disclose all of the claimed limitations except for “a reticle is moveable in a first direction.”

However, having a reticle moveable in a first direction is routine in the art as taught by Hatakeyama et al (col. 17, lines 40-41). Thus, it would have been obvious to one ordinary skilled in the art at the time the invention was made to modify the reticle of Koch et al by having it allowable to move in a first direction for at least the purpose to adjust an alignment of the optical system.

Regarding claim 30, Nojima further disclose “wherein said second direction is substantially perpendicular to said first direction (col. 10, lines 18-20, where an optical element is arranged to be moved in the X, Y, or Z direction).”



7. Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over Koch et al. in view of Nojima, as applied to claim 27, and in further view of Shiraishi (US 2002/0196416).

Regarding claim 32, Koch et al. as modified disclose a plate and a carrier, but does not disclose “wherein said plate is one of a plurality of plates arranged on said carrier.”

However, having a plurality of plates is known to the art as it is evident by the teaching of Shiraishi (see fig. 38, where a fly eye lens group 111A-B are on a movable member 112; [0234], lines 8-12). Thus, it would be obvious to one ordinary skilled in the art at the time the invention was made to further modify the carrier of Koch et al. as modified by including a plurality of plates in a manner described above for at least the purpose to select a desired illumination region.

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following discloses movable raster elements on a plate: Sandstorm (6,819,490), Will (US 2001/0043412), Harwit (6,56,474) and Blonder (5,128,787).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Gutierrez whose telephone number is (571)-272-

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5922. The examiner can normally be reached on Monday-Friday: 8:00 a.m. - 5:30 p.m.

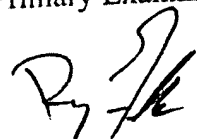
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diane Lee can be reached on (571)-272-2399. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Kevin Gutierrez  
Examiner  
Art Unit 2851

Rodney Fuller  
Primary Examiner

November 21, 2006

A handwritten signature in black ink, appearing to read 'Ry' followed by a stylized flourish.